HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 1589 of 2001
(Old No. 3236 of 1980)

Som Prakash ..... Appellant

Versus

Ghasi & others ..... Respondents

Dated: 18.8.2004

Hon. Rajesh Tandon J.

File has been transferred from Allahabad High Court.

None appears for the parties. I have perused the Judgment passed by the two courts below and have gone through the record.

Present second appeal has been filed against the judgment and decree dated 24.10.1980 passed by the Civil Judge, Roorkeee arising out of the original suit no. 77 of 1976.

The trial Court has dismissed the suit of the plaintiff appellant. The appeal has been dismissed by the appellate Court. There is concurrent findings by the two Courts below. It appears that the appeal has become infructuous by efflux of time.

The appeal is dismissed as infructuous. However, liberty is given to the appellant to move application for restoration of the appeal, if cause of action is still survived.

18.8.2004 **(Rajesh Tandon J.)**